

**SKAGIT COUNTY SUPERIOR COURT
STATE OF WASHINGTON**

STATE OF WASHINGTON,
Plaintiff,
vs.
TERRANCE JON IRBY,
Defendant.

NO: 05-1-00276-9

INFORMATION

TO: **TERRANCE JON IRBY**
AKA: TERRENCE J. HAYES; THOMAS W. IRBY; TERRANCE IRBY; JAMES NEWTON
DOB: JUNE 10, 1958
LKA: 12721 CHUMSTICK HWY, LEAVENWORTH, WA 98826
PHY: CAUCASIAN/MALE/HT:601/200 LBS/GRN EYES/BRN HAIR
ID#: SID#:WA10879098; DOL#:WA IRBY*TJ427LS; DOC#:631794; PCN#862507312
AGENCY: SCSO #05-03552

By this Information, the Skagit County Prosecuting Attorney accuses you of the crime(s) of:

COUNT I

Burglary in the Second Degree - RCW 9A.52.030(1) – Class B Felony

On or about March 6, 2005, in the State of Washington, the above-named Defendant with intent to commit a crime against a person or property therein, entered or remained unlawfully in the building of Leavenworth Auto Care located at 12413 Chumstick Highway, Leavenworth, Washington; contrary to Revised Code of Washington 9A.52.030(1).

Adult Penalty: (Maximum Penalty - Ten (10) years imprisonment and/or a \$20,000.00 fine pursuant to RCW 9A.52.030(2) and RCW 9A.20.021(1)(b), plus restitution and assessments.)

COUNT II

Aggravated Murder - RCW 10.95.020(9)(11)(a)and(11)(c) and RCW 9A.32.030(1)(a), Class A Felony

On or about the 8th day of March, 2005, in the State of Washington, the above-named Defendant with a premeditated intent to cause the death of another person, the defendant caused the death of such person, to-wit: James T, Rock, Jr.; and furthermore, the Defendant committed the murder to conceal the commission of a crime or to protect or conceal the identity of any person committing a crime, the murder was committed in the course of, in furtherance of, or in immediate flight from robbery in the first or second degree, the murder was committed in the course of, in

furtherance of, or in immediate flight from a burglary in the first or second degree, or residential burglary; contrary to Revised Code of Washington 9A.32.030(1)(a) and 10.95.020(9)(11)(a) and (c).

(Maximum Penalty - Life imprisonment without the possibility of parole or release or, death if the State files written notice of a special sentencing proceeding to determine whether the death penalty should be imposed and if the jury finds that there are not sufficient mitigating circumstances to merit leniency; pursuant to RCW 10.95.030, 10.95.040 and 10.95.080.)

(If the defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

(If the defendant has previously been convicted in this state or elsewhere on one separate occasion of rape in the first or second degree, or rape of a child in the first or second degree, or child molestation in the first degree, or indecent liberties by forcible compulsion, or murder in the first or second degree with a finding of sexual motivation, or homicide by abuse with a finding of sexual motivation, or kidnapping in the first or second degree with a finding of sexual motivation, or assault in the first or second degree with a finding of sexual motivation, or burglary in the first degree with a finding of sexual motivation, or an attempt to commit any of the preceding crimes, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to RCW 9.94A.030(32)(b) , 9.94A.120(4) and 9.94A.570.)

IN THE ALTERNATIVE TO AGGRAVATED MURDER, YOU ARE ALLEGED TO HAVE COMMITTED FIRST DEGREE FELONY MURDER.

COUNT II

First Degree Murder - Felony Murder - RCW 9.94A.125 or 9.94A.602, 9A.32.030(1)(c), Class A Felony

On or about the 8th day of March, 2005, in the State of Washington, the above-named Defendant did commit or attempt to commit the crime of either robbery in the first or second degree or burglary in the first degree, and in the course of or in furtherance of such crime or in immediate flight therefrom, the Defendant, or another participant, caused the death of a person other than one of the participants, to-wit: James T. Rock, Jr.; and furthermore, at the time of the commission of the crime, the Defendant was armed with a deadly weapon other than a firearm; contrary to Revised Code of Washington 9.94A.125 or 9.94A.602, and 9A.32.030(1)(c).

(Maximum Penalty - Life imprisonment and/or a \$50,000 fine pursuant to RCW 9A.32.030(2) and RCW 9A.20.021(1)(a), plus restitution and assessments.)

(Minimum Penalty - Pursuant to RCW 9.94A.540(1)(a), this crime is punishable by no less than twenty (20) years mandatory total confinement imprisonment without availability of furlough, work release, earned release time, or other leave of absence from confinement during such minimum twenty (20) year term except for emergency medical treatment or an extraordinary medical placement under RCW 9.94A.728(4).)

(If the defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

(Minimum Penalty - If the Defendant is found to have been armed with a deadly weapon other than a firearm at the time of the commission of the crime, an additional twenty-four (24) months is added to the presumptive range of confinement for a first offense and an additional forty-eight (48) months is added to the presumptive range of confinement if the Defendant has previously been sentenced for any deadly weapon enhancements after July 23, 1995; pursuant to RCW 9.94A.310(3)(a) and (d), and/or RCW 9.94A.510(4)(a) and (d).)

(If the defendant has previously been convicted in this state or elsewhere on one separate occasion of rape in the first or second degree, or rape of a child in the first or second degree, or child molestation in the first degree, or indecent liberties by forcible compulsion, or murder in the first or second degree with a finding of sexual motivation, or homicide by abuse with a finding of sexual motivation, or kidnapping in the first or second degree with a finding of sexual motivation, or assault in the first or second degree with a finding of sexual motivation, or burglary in the first degree with a finding of sexual motivation, or an attempt to commit any of the preceding crimes,

the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to RCW 9.94A.030(32)(b) , 9.94A.120(4) and 9.94A.570.)

COUNT III

Burglary in the First Degree - RCW 9A.52.020 – Class A Felony

On or about March 8, 2005, in the County of Skagit, State of Washington, the above-named Defendant, with intent to commit a crime against a person or property therein, did enter or remain unlawfully in the building of James T. Rock, Jr., located at 35896 Shangri La Drive, Hamilton, Washington, and, in entering or while in the building or in immediate flight therefrom, the defendant or another participant in the crime was armed with a deadly weapon and/or did intentionally assault any person therein; contrary to Revised Code of Washington 9A.52.020.

Adult Penalty: (Maximum Penalty - Life imprisonment and/or a \$50,000.00 fine pursuant to RCW 9A.52.020(2) and RCW 9A.20.021(1)(a), plus restitution and assessments.)

(If the defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to RCW 9.94A.030(32)(a) and RCW 9.94A.120(4) or RCW 9.94A.570.)

COUNT IV

Robbery in the First Degree - General Robbery - For Crimes Committed After June 13, 2002 - RCW 9A.56.200(1)(a) (Laws of 2002, ch. 85, ' 1), Class A Felony.

On or about the 8th day of March, 2005, in the State of Washington, the above-named Defendant, with intent to commit theft, did unlawfully take personal property that the Defendant did not own from the person or in the presence of James T. Rock, Jr., against such person's will, by use or threatened use of immediate force, violence, or fear of injury to said person or the property of said person or the person or property of another, and in the commission of said crime and in immediate flight therefrom, the Defendant was armed with a deadly weapon and/or displayed what appeared to be a firearm or other deadly weapon and/or inflicted bodily injury upon James T. Rock, Jr.; contrary to Revised Code of Washington 9A.56.200(1)(a) (Laws of 2002, ch. 85, ' 1) and 9A.56.190.

(Maximum Penalty - Life imprisonment and/or a \$50,000 fine pursuant to RCW 9A.56.200(2) and 9A.20.021(1)(a), plus restitution and assessments.)

(If the defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

COUNT V

Unlawful Possession of a Firearm in the First Degree - RCW 9.41.040(1)(a) – Class B Felony

On or about March 8, 2005, in the State of Washington, the above-named Defendant, having previously been convicted in this state or elsewhere of a serious offense as defined in RCW 9.41.010(12)(a), to-wit: Assault in the Second Degree and/or Statutory Rape in the Second Degree, did knowingly own or have in his/her possession or under his/her control a firearm, to-wit: a Ruger 10-22; contrary to Revised Code of Washington 9.41.040(1)(a).

Adult Penalty: (Maximum Penalty -Ten (10) years imprisonment or \$20,000 fine, or both pursuant to RCW 9.41.040(2)(a) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

COUNT VI

Unlawful Possession of a Firearm in the First Degree - RCW 9.41.040(1)(a) – Class B

Felony

On or about March 8, 2005, in the State of Washington, the above-named Defendant, having previously been convicted in this state or elsewhere of a serious offense as defined in RCW 9.41.010(12)(a), to-wit: Assault in the Second Degree and/or Statutory Rape in the Second Degree, did knowingly own or have in his/her possession or under his/her control a firearm, to wit: a Remington Shotgun; contrary to Revised Code of Washington 9.41.040(1)(a).

Adult Penalty: (Maximum Penalty -Ten (10) years imprisonment or \$20,000 fine, or both pursuant to RCW 9.41.040(2)(a) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

COUNT VII**Unlawful Possession of a Firearm in the First Degree - RCW 9.41.040(1)(a) – Class B****Felony**

On or about March 8, 2005, in the State of Washington, the above-named Defendant, having previously been convicted in this state or elsewhere of a serious offense as defined in RCW 9.41.010(12)(a), to-wit: Assault in the Second Degree and/or Statutory Rape in the Second Degree, did knowingly own or have in his/her possession or under his/her control a firearm, to wit: a Smith and Wesson 357 handgun; contrary to Revised Code of Washington 9.41.040(1)(a).

Adult Penalty: (Maximum Penalty -Ten (10) years imprisonment or \$20,000 fine, or both pursuant to RCW 9.41.040(2)(a) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

COUNT VIII**Attempting to Elude Pursuing Police Vehicle - For Crimes Committed On or After July 27, 2003 - RCW 46.61.024 (Laws of 2003, ch. 101, ' 1) – Class C Felony**

On or about March 8, 2005, in the State of Washington, the above-named Defendant, as a driver of a motor vehicle, did willfully fail or refuse to immediately bring his or her vehicle to a stop and did drive his or her vehicle in a reckless manner while attempting to elude a pursuing police vehicle, after having been given a visual or audible signal to bring the vehicle to a stop, said signal having been given by hand, voice, emergency light, or siren by a uniformed police officer whose vehicle was equipped with lights and sirens; contrary to Revised Code of Washington 46.61.024 (Laws of 2003, ch. 101, ' 1).

Adult Penalty: (Maximum Penalty - Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW 46.61.024 and RCW 9A.20.021(1)(c), plus restitution and assessments.)

SKAGIT COUNTY PROSECUTING ATTORNEY

DATED: April 18, 2005

By: _____/S/
THOMAS E. SEGUINE, WSBA#17507
PROSECUTING ATTORNEY